

§ 52.927 Compliance schedules.

(a) The requirements of § 51.262(a) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(b) Federal compliance schedules.

(1) Except as provided in paragraph (b)(5) of this section, the owner or operator of any fuel-burning facility subject to the requirements of the Kentucky Air Pollution Control Regulations as they apply to sulfur dioxide sources, shall notify the Regional Administrator, by no later than November 3, 1975, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) December 1, 1975—Submit to the Regional Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1977, and for at least one year thereafter, as well as a statement as to whether boiler modifications will be required. If so, final plans for such modifications must be submitted simultaneously.

(ii) December 31, 1975—Sign contracts with fuel suppliers for projected fuel requirements as projected above.

(iii) December 31, 1975—Let contracts for necessary boiler modifications, if applicable.

(iv) January 30, 1976—Initiate onsite modifications, if applicable.

(v) May 1, 1977—Complete onsite modifications, if applicable.

(vi) July 1, 1977—Achieve compliance with the applicable regulations, and certify such compliance to the Regional Administrator.

(3) Any owner or operator subject to paragraph (b)(1) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) December 1, 1975—Submit to the Regional Administrator a final control plan, which describes at a minimum the steps which will be taken by the

source to achieve compliance with the applicable regulations.

(ii) December 31, 1975—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modifications.

(iii) January 30, 1976—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1977—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1977—Complete shutdown operations and performance tests for the applicable unit(s); achieve compliance with Kentucky Division of Air Pollution Regulation for sulfur dioxide sources and certify such compliance to the Regional Administrator. Ten days prior to any performance testing, notice must be given to the Regional Administrator to afford him the opportunity to have an observer present.

(4) Five days after the deadline for completing increments in paragraphs (b)(2)(ii) through (b)(2)(v) and (b)(3)(ii) through (b)(3)(iv) of this section, certify to the Regional Administrator whether the increment has been met.

(5) (i) None of the above paragraphs shall apply to a source which is presently in compliance with applicable regulations. The owner or operator of any fuel-burning facility with an aggregate heat input of more than 250 million BTU per hour which is presently in compliance, shall certify such compliance to the Regional Administrator by November 3, 1975. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Regional Administrator no later than December 1, 1975, a proposed alternative compliance schedule. No such compliance schedule

may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If approved by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

[38 FR 16145, June 20, 1973, as amended at 40 FR 3418, Jan. 22, 1975; 40 FR 14071, Mar. 28, 1975; 40 FR 29541, July 14, 1975; 40 FR 40160, Sept. 2, 1975; 51 FR 40675, 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

§ 52.928 Control strategy: Sulfur oxides.

The revised SO₂ emission limit for large coal-fired boilers in Bell, Clark, and Woodford Counties, submitted on June 29, 1979, is disapproved since it does not provide for attainment and maintenance of all SO₂ NAAQS. The limit approved by EPA on May 10, 1976 (41 FR 19105), remains the limit applicable to these sources.

[49 FR 11091, Mar. 23, 1984]

§ 52.929 Determination of attainment.

(a) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Huntington-Ashland, West Virginia-Kentucky-Ohio PM_{2.5} nonattainment Area attained the 1997 annual PM_{2.5} NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Huntington-Ashland PM_{2.5} nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(b) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Louisville, Kentucky-Indiana PM_{2.5} nonattainment Area attained the 1997 annual PM_{2.5} NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement

pursuant to CAA section 179(c) to determine, based on the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Louisville PM_{2.5} nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(c) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM_{2.5} nonattainment Area attained the 1997 annual PM_{2.5} NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM_{2.5} nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

[76 FR 55543, Sept. 7, 2011, as amended at 76 FR 55546, Sept. 7, 2011; 76 FR 60375, Sept. 29, 2011]

§ 52.930 Control strategy: Ozone.

(a) The VOC bubble for Alcan Foil Products in Louisville submitted as a SIP revision on March 3, 1986, is disapproved. The source must continue to meet all the requirements of Jefferson County Regulation 6.29.

(b) *Part D—disapproval*—(1) Campbell and Kenton Counties nonattainment area. The 1979 SIP revisions for these two counties are disapproved because the Commonwealth failed to submit evidence of legal authority to implement a vehicle inspection and maintenance program as required under section 172(b)(11)(B) of the Clean Air Act. No major new or modified sources of volatile organic compounds can be built in these two counties by virtue of the provisions of section 110(a)(2)(1) of the Clean Air Act.

(2) Northern Kentucky (Boone, Campbell and Kenton Counties) ozone nonattainment area. The demonstration of attainment of the ozone standards by the end of 1982, submitted as part of Kentucky's ozone SIP revision on June 23, 1982, (draft), September 27, 1982, and November 3, 1982, is disapproved. As a